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SUBJECT: INFORMATION ON CIVIL SOCIETY IN CAMBODIA
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SENSITIVE BUT UNCLASSIFIED. NOT FOR INTERNET DISSEMINATION.

11. (SBU) Post's response to questions posed in reftel are as follows:

1A. NGOs

1) (U) WHAT IS THE REGISTRATION PROCESS FOR LOCAL NGOS OR ASSOCIATIONS, INCLUDING THE LENGTH OF TIME, THE GOVERNMENT MINISTRIES RESPONSIBLE, AND ANY DIFFERENCE IN REGISTRATION FOR PARTY ORGANIZATIONS?

Prospective NGOs must apply for registration with the Ministry of Interior. The registration process involves the submission of an application form, permission letters from the Ministry and background data on the NGO, including CVs of the management. Compared to the process for registering as a business or party organization, registering as an NGO is relatively simple.

2) (U) HOW MANY NGOS OR ASSOCIATIONS ARE REGISTERED AND WHAT IS THE LEVEL OF MEMBERSHIP WITHIN THESE ORGANIZATIONS?

There are 2,608 NGOs or associations registered, of which 80 percent are locally operated.

3) (U) WHAT KIND OF ACTIVITIES ARE NGOS INVOLVED IN AND HOW WIDESPREAD IS THEIR INVOLVEMENT IN THESE ACTIVITIES? WHAT TYPE OF LIAISON DO THEY HAVE WITH THE CENTRAL AND LOCAL GOVERNMENT?

NGOs in Cambodia are involved in all manner of development activities, including in the areas of health, education, governance, human rights, and democracy building. Most work closely with relevant government ministries and local governments.

4) (U) WHAT PARTNERSHIPS DO NGOS HAVE WITH INTERNATIONAL NGOS, INCLUDING TYPES OF JOINT PROJECTS AND GOVERNMENT OVERSIGHT FOR THESE RELATIONSHIPS?

Most local NGOs in Cambodia are sub-grantees or sub-contractors of larger, international NGOs. In addition to providing funding, the international NGOs sometimes also provide administrative support.

It should be noted that the Revival of Islamic Heritage Society (RIHS), a Kuwaiti-based NGO designated under Executive Order 13224 by the U.S. Treasury Department for providing financial and material support to al Qaida and al Qaida affiliates, including Jemaah Islamiyah (JI), established a branch in Cambodia. One RIHS branch office in Cambodia was subsequently closed following revelations that an RIHS employee provided logistical support to JI's fugitive leader Nurjaman Riduan Isamuddin (a.k.a. "Hambali") prior to

his capture in 2003.

5) (SBU) WHAT IS THE STATUS OF LEGISLATION ON ASSOCIATIONS? WHICH GOVERNMENT MINISTRIES OR INDIVIDUALS SUPPORT OR OPPOSE THE LEGISLATION AND WHAT ARE SOME OF THE ROADBLOCKS TO THE LEGISLATION?

A draft NGO law, dating from 2005, was recently sent to the Council of Ministers for review, a necessary step prior to tabling the draft law in the National Assembly. The draft originated from the Ministry of the Interior, and has been called the draft "NGO Control Law." Human rights NGOs and opposition parties are critical of the proposed draft, claiming that such a law could be used to curb NGO activity. Prime Minister Hun Sen remarked on the draft law September 26, reportedly criticizing NGOs for "getting out of hand."

6) (U) WHAT TYPES OF ADVOCACY AND FOR WHICH ISSUES ARE NGOS OR MASS ORGANIZATIONS INVOLVED? HOW ARE LEADERS SELECTED? WHAT ROLE DOES THE GOVERNMENT PLAY, IF ANY, IN THE INTERNAL WORKINGS OF MASS ORGANIZATIONS?

Advocacy platforms run the gamut, including gender-based, labor-based, environment-based, etc. Leaders are most often Cambodians or overseas Cambodians who have returned to the country. They are selected by the NGOs, boards of directors and elected by staff members. Other than the registration process (see question 1) the government is not involved in the internal workings of NGOs.

7) (U) HOW DOES LOCAL GOVERNMENT DEFINE CIVIL SOCIETY? BESIDES NGO, WHAT OTHER ENTITIES/ORGANIZATIONS DOES THE

PHNOM PENH 00000922 002 OF 003

GOVERNMENT INCLUDE IN THEIR DEFINITION OF CIVIL SOCIETY? HOW MUCH FREEDOM OF ACTION DO THESE ENTITIES HAVE?

Civil society includes NGOs and other non-governmental and non-profit institutions such as unions and professional associations. Cambodian law protects civil society institutions from interference from the government, but in practice this is not always the case. For instance, workers are free to establish labor unions, but in practice their ability to strike, demonstrate, and assemble is often hindered by the government.

8) (U) WHERE DO NGOS/MASS ORGANIZATIONS GET THEIR FUNDING?

NGOs get their funding from bilateral donors like USAID, the EU, JICA, AusAID, DANIDA, SIDA, CIDA and DFID, and also from multilateral donors like the World Bank and UN.

1B. MEDIA:

1) (U) WHAT CONTROLS DOES THE GOVERNMENT PLACE ON THE MEDIA, AND ON WHAT ISSUES DOES THE MEDIA HAVE MORE OR LESS FREEDOM TO REPORT?

The constitution provides for freedom of speech and of the press; however, these rights are not always respected in practice. The constitution implicitly limits free speech by requiring that it not adversely affect public security. The constitution also declares that the king is "inviolable." In December, 2007 the Ministry of Information issued a directive that reiterates these limits and prohibits publishers and editors from running stories that insult or defame government leaders and institutions.

The 1995 press law prohibits prepublication censorship or imprisonment for expressing opinions. However, the government continued to use the older UNTAC law to prosecute journalists and others on defamation and disinformation charges. In 2006 the National Assembly amended the UNTAC law, eliminating imprisonment for defamation but not for spreading disinformation, which carries prison sentences of up to three years. In both types of cases, judges can order fines, which

may lead to jail time if not paid.

The government and influential individuals use the weak and often politically biased judiciary to file defamation and disinformation suits, both civil and criminal, in an effort to silence critics. In theory all journalists and newspapers are free to publish stories on virtually any topic, but self censorship is a common occurrence, due mainly to the use of defamation suits as mentioned above, and also to the fact that most if not all publications are directly controlled by political parties. The vast majority of print, radio and television outlets are directly controlled by the ruling party. The opposition therefore only has limited access to the public, with the exception of the 30 day campaign period when state TV provides "equal access" presentations to all parties ad news regarding major political parties. Prior to the campaign period, lack of media access was a notable problem during the run up to the general elections in July of this year.

2) (U) TO WHAT EXTENT DOES THE PUBLIC RELY ON LOCAL RADIO AND TELEVISION, AS WELL AS THE INTERNET, AS SOURCES OF INFORMATION, AND WHAT GOVERNMENT CONTROLS ARE IN PLACE FOR THEM?

A majority of Cambodians receive their information via television with radios coming in a close second, especially in the provinces where there is no reliable source of electricity. Internet penetration is still extraordinarily low. According to an industry survey published by the English-language newspaper &The Phnom Penh Post8, 13,000 Cambodians, or less than one-thousandth of the total population, have that Internet subscriptions. Most are in the capital Phnom Penh and in the heavily visited province of Siem Reap. However, cheap access to the internet through internet cafes is widespread in Phnom Penh, Siem Reap, Sihanoukville, and Battambang and a number of internet cafes may be found in provincial capital cities. The Ministry of Information controls the issuance of licenses and frequencies for television and radio stations, and in the past has shown favor to those applicants that belong to the ruling party. While all parties have open access to a handful of radio stations, and at least two parties other than the ruling party control their own radio networks, post is aware of at least two cases where popular opposition radio stations have been consistently denied frequencies in certain areas.

3) (U) WHAT IS THE LEVEL OF PUBLIC INTEREST IN CURRENT

PHNOM PENH 00000922 003 OF 003

EVENTS?

In general Cambodians have a low level of interest in current events, but readers love to follow dramatized personal conflicts among politicians, who can be parodied and lampooned at will. Most of the Khmer language publications are tabloid style, both in format and content, and tend to print sensationalist pieces and police-blotter entries on their front pages. That being said, stories that have national implications such as a proposed Anti-Corruption Law, the national budget, and the border dispute with Thailand over the Preah Vihear temple are followed religiously and discussed at every opportunity.

1C. OPPOSITION GROUPS:

1) (U) HOW ORGANIZED ARE OPPOSITION OR DISSIDENT GROUPS AND HOW MANY MEMBERS DO THEY HAVE?

The Sam Rainsy Party (SRP) is the primary opposition party, established in 1998. Another opposition party, the Human Rights Party (HRP), just emerged for the 2008 election. The two opposition parties did not join forces prior to the election, but have since indicated their intention to work as an opposition coalition in the National Assembly. The SRP has a membership numbering in the tens of thousands, and the HRP

in the thousands.

2) (U) WHAT SUPPORT BASE DO OPPOSITION/DISSIDENT GROUPS HAVE LOCALLY AND INTERNATIONALLY?

The opposition parties, support base is primarily concentrated in urban areas. While the opposition parties made inroads into rural areas in the July election, the ruling party continues to dominate the countryside. There is also support for the SRP and the HRP from Cambodians living abroad in France, Australia, and the U.S.

3) (U) WHAT ARE SOME OPPOSITION GRIEVANCES?

Opposition party grievances include corruption, weak/ineffective law enforcement, weak governance, a lack of separation powers within the government, and a lack of an impartial and neutral administration and judiciary.

4) (U) WHERE DO OPPOSITION GROUPS GET THEIR FUNDING?

Opposition groups are funded from contributions paid by local and overseas members. Active members of HRP have to pay regular contributions to the party, with the amount varying depending on one's rank within the party. Overseas Cambodians, namely in the United States, Canada, Australia, and Europe, also financially support opposition parties. Article 29 of the Political Party Law (PPL) prohibits all political parties from receiving contributions in any form from any governmental institutions, associations, non-governmental organizations, public enterprises, public establishment, public institute or foreign corporation, except as stipulated in the law.

5) (U) WHAT LEGISLATION, IF ANY, GOVERNS THEIR ACTIVITIES?

The Political Party Law (PPL) governs political party activities. The PPL requires all parties register with the Ministry of Interior prior to engaging in political activities. Article 8 of the PPL requires registration of a political party and Article 19, which is related to an application of a registration, requires a minimum of 4,000 party members to form a political party.

RODLEY